

REMARKS

Claims 1-32 are pending in the application.

Claims 1-32 have been rejected.

No claims have been amended herein.

Claims 1-32 remain pending in this application.

Reconsideration of the claims is respectfully requested.

I. CLAIM REJECTIONS — 35 U.S.C. § 103

Claims 1-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,363,481 to *Hardjono* (hereinafter “Hardjono”) in view of Worker Exposure Surveillance system, 1997, Oak Ridge Associated Universities (hereinafter “WESS”). Claims 19-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hardjono in view of U. S. Patent No. 5,689,648 to *Diaz, et al.*, (hereinafter “Diaz”) and further in view of WESS. The Applicant respectfully traverses the rejections.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-133 (8th ed. rev. 4, October 2005). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.* To establish a *prima facie* case of obviousness, three basic criteria must be met: *Id.* First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to

combine reference teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.* Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *Id.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *Id.*

The Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness. The cited references do not teach or suggest all the claim limitations. There is no suggestion or motivation to combine the references. A person combining the references would not have a reasonable expectation of success.

The Applicants respectfully direct the Examiner's attention to independent Claim 1, which recites the novel and non-obvious limitations emphasized below:

1. For use in managing a database of selectable records, a database administrator for association with a computer system having distributed memory units, said database administrator comprising:

a security controller that operates repeatedly on a periodic basis to (i) divide said database into portions and (ii) store ones of said portions to ones of said distributed memory units, said security controller thereby systematically periodically redistributing said database over said distributed memory units; and

an access controller that operates to repeatedly establish views of ones of said selectable records responsive to said security controller periodically redistributing said database over said distributed memory units. (*Emphasis added*).

In rejecting Claim 1, the Examiner asserts that Hardjono discloses a security controller that operates repeatedly to divide a database into portions and store ones of the portions to ones of distributed memory units, thereby systematically redistributing the database over the memory units. The Examiner then acknowledges that Hardjono fails to disclose a security controller that

operates to periodically distribute the database over the memory units, but asserts that WESS includes a recommendation that a database manager periodically defragment a database hard drive, thereby teaching periodically redistributing the database over memory units (sectors) of the hard drive. However, the Examiner does not assert that the combination of Hardjono and WESS teaches repeatedly on a periodic basis dividing a database into portions, as recited in Claim 1.

Disc defragmentation is a process of moving pieces of a file from non-contiguous sectors of the disc to contiguous sectors of the disc—that is, recombining inadvertently divided portions of a file. WESS describes the specific benefit of recombining separated portions of data on an individual disc to improve access speed. WESS does not teach a general benefit of redistributing portions of memory.

Hardjono and WESS have conflicting results. Where Hardjono teaches dividing a record into pieces for the purpose of security, WESS describes recombining divided portions of a file for the purpose of improving access speed. As such, there is no motivation to combine the references.

WESS describes the benefit of recombining divided sectors on a single disc. There is no description of the results of performing defragmentation on the plurality of databases of Hardjono. A person of ordinary skill in the art would have no motivation or expectation of success in performing defragmentation across a plurality of distributed databases other than to perform a periodic defragmentation of each individual databases of Hardjono to improve access time in the database.

In summary, Hardjono and WESS do not teach or suggest all the claim limitations (repeatedly on a periodic basis dividing a database into portions) and do teach contradictory techniques (dividing vs. recombining) in dissimilar applications (distributed databases vs. an individual disk drive) for differing purposes (improving security vs. improving access speed). As such, independent Claim 1 is patentable over the cited references. Independent Claim 6, 11 and 15 recite limitations analogous to the novel and non-obvious limitations of Claim 1 and therefore also are patentable over the cited references. Claims 2-5, 7-10, 12-14 and 16-18 depend from Claims 1, 6, 11, 15 and 19, respectively, and include all the limitations of their respective base claims. Accordingly, Claims 2-5, 7-10, 12-14, 16-18 and 20-32 also are patentable over the cited references. For these reasons, the Applicants respectfully request that the Examiner withdraw the § 103 rejections with respect to Claims 1-32.

CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.


If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@munckbutrus.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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